

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 23, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:05MD-222

MAUI

Issuance of Revocable Permit to William Latham for  
Agriculture Purposes, Koolau, Hana, Maui: Tax Map Key: (2)  
1-1-003:092.

APPLICANT:

William Latham, Individual, Tenant in Severalty.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Koolau, Hana, Maui,  
identified by Tax Map Key: (2) 1-1-003:092 as shown on the  
attached map labeled Exhibit A.

AREA:

0.670 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO X

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Agriculture purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

MONTHLY RENTAL:

To be determined by staff appraiser, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Applicant is not operating a business and, as such, is not required to register with DCCA.

REMARKS:

On August 1, 1969, Mrs. Sarah Kaauamo was issued Revocable Permit No. S-4369. She cultivated taro on the subject landlocked parcel until 1988. Due to her age, Mrs. Kaauamo and her husband found it difficult to continue the cultivation of the taro lands. Therefore, by way of a letter dated December 20, 1988, Mr. and Mrs. Kaauamo's daughter Gardenia Kiele Frame requested a month-to-month revocable permit to continue taro cultivation on the subject parcel.

At its meeting of February 10, 1989, under agenda Item F-1-b, the Board granted the issuance of a revocable permit to Gardenia Kiele Frame for taro cultivation purposes. Revocable Permit No. S-6612 was issued effective February 1, 1989.

On July 20, 2005, the Maui District Land Office received a letter dated July 11, 2005 from Mrs. Gardenia Kiele Frame indicating her request to relinquish her revocable permit effective as of September 30, 2005.

On July 20, 2005, the Maui District Land Office received an application from Mr. William Latham, for the use of the subject State parcel. Mr. Latham's request indicated he would continue the

cultivation of taro. He further indicated that as a resident of Keanae, and owns/lives on Parcel 25, he has assisted with the farming and maintenance of loi's (taro patches) for the past eighteen years. He is very familiar with the area and has the knowledge and experience needed to maintain and successfully cultivate taro on lands formerly occupied by his family members before him. Therefore, Mr. Latham is qualified as a bona fide farmer pursuant to Section 171-14.5, Hawaii Revised Statutes.

Mr. William Latham has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There has been no other applications submitted or interest from the public with regards to the use of the subject parcel.

Due to non-existence of a legal, documented access, a month-to-month tenancy is the most appropriate disposition at this time.

Comments were solicited from the following agencies:

Agency	Comments
Dept of Health	No response
Dept of Hawaiian Home Lands	No comment or objections
DLNR - DOFAW	No comment or objections
DLNR - Historic Preservation	No response
Commission on Water Resource Management	No comment or objections
County of Maui - Planning	No response
County of Maui - Public Works	No comment or objections
Office of Hawaiian Affairs	No objections

Staff is recommending the character of use be agriculture because it is a broader definition of use unlike 'taro cultivation'. This will allow Mr. Latham to pursue not just taro, but other crops.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to William Latham covering the subject area for agriculture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

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- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
for Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
Laura H. Thielen  
Chairperson





Access Road

Latham Residence  
& Property

025

092

William Wade Latham  
(2) 1-1-003-025  
Property owner